

REMARKS

Claims 1-4 are pending in the application. The Examiner has rejected Claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Sawyer et al. (U.S. Patent 5,946,629) in view of Karve (U.S. Publication 2002/0137530). The Examiner has rejected Claim 4 under 35 U.S.C. §103(a) as being unpatentable over Sawyer et al. in view of I'Anson (U.S. Publication 2001/0027097) and further in view of Karve.

It is respectfully submitted that two of the cited references are not valid prior art. Karve was filed on March 8, 2001, and I'Anson was filed March 15, 2001, whereas the present application claims a priority date of March 6, 2001. Submitted herewith is a verified English language translation of KPA 2001-11368, filed March 6, 2001, to overcome the rejections of Claim 1-4 by removing Karve and I'Anson as prior art references.

Additionally, as the Examiner has admitted that Sawyer et al. fails to disclose the elements that were rejected under Karve or I'Anson, Sawyer et al. does not cure any defects caused by the disqualification of the Karve or I'Anson references.

As an additional note, the Examiner did not list the I'Anson reference on the Notice of References Cited form PTO-892, as required. It is respectfully requested that the Examiner issue a new PTO-892 to include the I'Anson reference.

Independent Claims 1, 3 and 4 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 2, this is likewise believed to be allowable by virtue of its dependence on its respective amended independent claim. Accordingly, reconsideration and withdrawal of the rejections of dependent Claim 2 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr